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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,
v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,
v.

STEPHEN R. GOLDENBERG,

Defendant.

Adv. Pro. No. 10-04946 (SMB)

TRUSTEE'S MOTION FOR SUMMARY JUDGMENT

Irving H. Picard (the “Trustee”), trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff (“Madoff”), by and through his undersigned counsel, respectfully submits this motion in the above-captioned adversary proceeding for summary judgment (the “Motion”), pursuant to the schedule set forth in the Stipulation For Entry of Scheduling Order so ordered by this Court on June 22, 2017 (attached hereto as Exhibit A), and Rule 56 of the Federal Rules of Civil Procedure (made applicable by Rule 7056 of the Federal Rules of Bankruptcy Procedure) and Southern District of New York Local Bankruptcy Rule 7056-1, on Count One of the Trustee’s amended complaint (*Picard v. Stephen R. Goldenberg*, 1:11-cv-04483 (JSR) (S.D.N.Y. Dec 2, 2011), ECF No. 4) to avoid and recover as fraudulent transfers (the “Transfers”) the amounts BLMIS fraudulently transferred to the defendant (“Defendant”) in the above-captioned action (“Avoidance Action”), and for which Defendants failed to provide value. The facts and support underlying the Motion are fully set forth in the Joint Statement of Undisputed Material Facts (the “Joint Statement”) submitted by the Trustee and Defendants (together, the “Parties”), and so ordered by this Court on August 16, 2017, as well as the accompanying Trustee’s Memorandum of Law in Support of Motion for Summary Judgment, and the Declaration of Keith R. Murphy in Support of Trustee’s Motion for Summary Judgment dated October 2, 2017 with exhibits annexed thereto, filed simultaneously herewith.

By the Motion, the Trustee seeks the entry of an order in the above-captioned case avoiding the Transfers, and directing Defendant to return such Transfers, or the value thereof, to the Trustee for the benefit of the BLMIS estate. The Trustee also seeks prejudgment interest from Defendant concerning the Transfers.

Dated: New York, New York
October 2, 2017

BAKER & HOSTETLER LLP

By: /s/ Keith R. Murphy
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